

# St. Johns flood project hearing is postponed to July 7; set for 8 days

By Liz Anderson

The three-day hearing on the St. Johns Bayou-New Madrid Floodway flood control project's appeal of the denial of Water Quality Certification by the Missouri Department of Natural Resources has been postponed one month and has grown to eight business days.

Originally set for June 3-5, the hearing will now begin July 7 and end July 16 in Jefferson City.

The delay and longer hearing had been sought by Environmental Defense and the Missouri Coalition for the Environment (MCE), a non-profit corporation incorporated under the laws of Illinois, with an office in University City, St. Louis County, Missouri, to accommodate their expert witnesses that they plan to call.

Attorney for the group is Edward J. Heisel. Attorney for Environmental Defense is Timothy D. Searchinger.

The expert witnesses Environmental Defense and the Missouri Coalition for the Environment want to call are Dr. Thomas Stinson, Minneapolis, Minn.; Dr. Katie Dugger, Corvallis, Ore.; Dr. Bruce Dugger, Corvallis, Ore.; Dr. Christopher Woltemade, Shippensburg, Pa.; Dr. Ray Semlitsch, Columbia; Dr. Dennis King, Solomons Island, Md.; Dr. Richard Sparks, Urbana, Ill.; Dr. Alan Journet, Cape Girardeau, and David Conrad, Washington, D.C.

The hearing will be presided over by June Striegel-Doughty, Commissioner of the Administrative

Hearing Commission. After hearing the evidence and expert witnesses (21 of them total), Ms. Doughty will make a recommendation whether or not to issue the Water Quality Certification to the Clean Water Commission, which has the final decision to make in the case.

In their motion to file as intervenors in the hearing, MCE says the purpose of the 1,200 member organization is "to preserve and enhance the scenic, scientific, educational, historical, wilderness, wildlife, open space, outdoor recreation and public health values of the physical environment, and coordinating, encouraging, and assisting efforts of others to maintain and enhance environmental quality".

They state that the organization has "for many years been actively concerned with protecting wetlands, floodplains and other aquatic resources in Missouri, especially from the negative consequences of ill-conceived flood control projects and floodplain development."

The motion said the interests of the organization and its members will be adversely affected by the Corps' construction of the St. John's Bayou/New Madrid Floodway project.

"Several of MCE's members enjoy the beauty of Big Oak Tree State Park, and other natural habitats in the area impacted by this project."

The motion states that Environmental Defense is a non-profit corporation that "works to preserve and enhance the environment for the benefit of its members". The

organization has more than 2,400 members in Missouri.

It has focused "great effort to preserve the natural resources of the lower Mississippi River for the benefit of its members in Missouri, the basin, and the nation.

"Among the members of Environmental Defense is Alan Journet, a resident of Cape Girardeau. Mr. Journet is a professor in the Department of Biology & Environmental Science Program at Southeast Missouri State University.

"Mr. Journet uses the resources impacted by the project, in particular the frequently flooded areas of the New Madrid Floodway, as a main focus of his studies, employment and recreation. He conducts research on the effects of flooding on vegetation in Big Oak Tree State Park, including state champion trees, as well as management to improve the reproduction of state champion trees.

"He participates in group trips to learn from and enjoy the natural resources of Big Oak Tree State Park and remnant wetlands of the New Madrid Floodway, where he observes the abundant wildlife particularly present in periods of high water. He supports Environmental Defense's efforts to amend, and to that end to stop, the project at issue in this case to protect the natural resources of the area."

The experts to be called by the St. Johns Levee and Drainage District include William D. LaValle, president

of the district. His areas of expertise are listed as Agriculture, and Agricultural Economics; Jim Robinson, whose areas of expertise include Agriculture, Agricultural Economics, Flooding Impacts, African-American Culture and History; Dr. Martha Ellen Black, Director of the Susanna Wesley Family Learning Center, East Prairie, with areas of expertise: Socio-Economic Impacts of Flooding on Southeast Missouri and Quality of Life; and Ms. Kathie Simpkins, City Administrator, City of East Prairie; whose areas of expertise are Economic Development, Impacts of Urban Flooding, Floodplain.

Experts from the Corps of Engineers will also testify during the hearing.

Attorney for the St. Johns District and City of East Prairie is Lynn Bock, of New Madrid.

The cities of Charleston, East Prairie, and Mississippi County had hired John Oliver of Cape Girardeau as their attorney in the intervention effort, but with the longer, postponed hearing, East Prairie decided to join forces (and attorneys) with the St. Johns Levee and Drainage District.

Charleston decided last week to drop out of the case, upon the recommendation of John Oliver, and the Mississippi County Commission

is expected to discuss the matter again on Thursday.

The Susanna Wesley Family Learning Center's motion to intervene, written by their attorney, Gregory Spencer, who is representing them pro bono, says that the Susanna Wesley Family Learning Center, Inc. is a grassroots community based organization, formed in March 1992 as a pilot program of Epworth St. Louis and became an independent organization in July of 1995 and duly registered with the Secretary of State of the State of Missouri as a not for profit corporation.

The Susanna Wesley Family Learning Center serves as Project Director for the 1994 federally designated East Prairie Enterprise Community serving as Missouri's sole rural designee. The East Prairie Enterprise Community grant application, prior to its official designation, was also approved by the governor of the state of Missouri as a partner in the Memorandum of Understanding.

The East Prairie Enterprise Community application was granted with the stated major obstacle to the community as backwater flooding. The signed Memorandum of Understanding (MOU) between the Department of Agriculture and the East Prairie Enterprise Community

contained a specific benchmark concentrating on the local cost share funding for the legislative approval of the levee closure and installation of pumping stations on the St. John's Bayou/New Madrid Floodway Project.

That Susanna Wesley Family Learning Center, Inc. in 1995 approached the St. John's Levee and Drainage District, the "local sponsor" of the St. John's Bayou/New Madrid Floodway Project, for the purpose of educating the board about the floodway benchmark written as a part of the MOU of the Enterprise Community designation and about the specific backwater hazards created by flooding to the residents of East Prairie and their surrounding service area. Susanna Wesley Family Learning Center offered their partnership in educating other concerned entities about the dire needs of the residents with regard to local flooding. After initial talks, Susanna Wesley Family Learning Center began its work with the St. John's Board and the Corps of Engineers.

The mission of Susanna Wesley Family Learning Center, Inc., located in East Prairie, is to build healthy families. This is accomplished by providing a safe environment for

youth as their parents learn job skills, obtain employment, provide nurturing homes for their children, and participate successfully in their communities.

The 29-member Board of Directors of Susanna Wesley Family Learning Center is comprised of community leaders whose sole purpose is to promote strong communities comprised of healthy families.

The major feature of the St. John Bayou basin element of the project is the construction of a pumping station and the enlargement of existing drainage canals to evacuate surface water from this basin. During periods of Mississippi River flooding the basin cannot drain and surface water impounds within the basin. The primary land use in this basin is agricultural; however, storm water drainage for the communities of Sikeston, East Prairie, and Charleston, Missouri together with countless rural homesteads depend on the function of this basin. When water is impounded these communities are subject to flood damages. The project is designed to relieve the surface water impounding within the basin and the attendant flooding that accompanies that condition. This element is specifically designed to alleviate flooding conditions in East Prairie, and has potential impacts for Sikeston and Charleston, Missouri.

The New Madrid Floodway element of the project contains two primary elements. The first is the

construction of a 1500 foot levee to close the gap in the Mississippi river Mainline levee near New Madrid. The second is the construction of a pumping station at that gap closure.

As is the case with the St. John Bayou basin, the primary land use in the floodway is agricultural. Most of the land was cleared and drained prior to 1955, some of it prior to the American Civil War.

The closure of the levee gap is to prevent backwater flooding within the floodway and the pumping station is to remove impounded surface water, as in the Bayou basin. Both of these features are designed to prevent damages to homes, businesses, crops and infrastructure within the floodway, including relieving the backwater flooding that impacts the overwhelmingly African-American Village of Pinhook.

Nevertheless, the most important element of the project is the potential for reduction in flood damages and the improvement of the health, safety, welfare and economic conditions of the residents of the communities and people that rely on the district's operations. Periodic flooding in the region creates an unnecessary hardship that would not be tolerated in more urban and wealthy areas, and the denial of Clean Water Certification is tantamount to a sentence of continued "Third World Nation" status to many residents.

The denial of the Section 401 permit application continues to place the

residents at high risk of life threatening events during flood periods.

Examples include contaminated drinking water, interrupted ambulance service, medical service to nursing homes, unemployment due to poor work attendance during flooding, and closed schools.

That the denial of Clean Water Certification is a severe blow to the area residents, and thought to be an arbitrary and capricious action by the Director in that none of the reasons given for the denial contained in the record are within the purview of the Clean Water Standards set out in the Code of State Regulations.

As project director for the East Prairie Enterprise Community, and as an advocate for many low income residents of East Prairie and its surrounding area, Susanna Wesley Family Learning Center should be afforded an opportunity to request that the State treat its poorer citizens as fairly as its more wealthy citizens in urban areas.

Susanna Wesley Family Learning Center requests intervention as a matter of right, or in the least permissive intervention. As the project director of the East Prairie Enterprise Community, Susanna Wesley Family Learning Center has an appointed interest in the quality of life of residents of St. John's/New Madrid Floodway project and has standing to intervene as a party Appellant